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# IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ALASKA

CENTER FOR BIOLOGICAL DIVERSITY, )	
Plaintiff,	Case No. 3:18-cv-00064-SLG
v. )	
DAVID BERNHARDT <sup>1</sup> , in his official ) capacity as Secretary of the United States ) Department of the Interior, et al.,	
Defendants. )	

## **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure and this Court's February

<sup>&</sup>lt;sup>1</sup> David Bernhardt and Margaret Everson, Secretary of the United States Department of the Interior and Principal Deputy Director of the United States Fish and Wildlife Service, respectively, are automatically substituted for their predecessors in office pursuant to Federal Rule of Civil Procedure 25(d).

1, 2019 and April 15, 2019 Scheduling Orders, Defendants David Bernhardt, in his official capacity as Secretary of the United States Department of the Interior; Margaret Everson, in her official capacity as Principal Deputy Director of the United States Fish and Wildlife Service; and the United States Fish and Wildlife Service hereby move for summary judgment on all the claims in Plaintiff's complaint.<sup>2</sup>

Dated: April 16, 2019

Respectfully submitted,

JEAN E. WILLIAMS, Deputy Assistant Attorney General SETH M. BARSKY, Section Chief MEREDITH L. FLAX, Assistant Section Chief

#### /s/ Kaitlyn Poirier

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<sup>&</sup>lt;sup>2</sup> In its complaint, Plaintiff alleged that Defendants had violated the Endangered Species Act and Administrative Procedure Act by failing to conduct a "proper" listing analysis. ECF 1 ¶ 117-122. Plaintiff has waived this claim by failing to address it in its opening brief. Defendants' memorandum in support will address the remaining claims in Plaintiff's complaint.

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on April 16, 2019, a true and correct copy of the above document was electronically filed with the Clerk of Court using CM/ECF. Copies of the document will be served upon interested counsel via the Notices of Electronic Filing that are generated by CM/ECF.

/s/ Kaitlyn Poirier

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